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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No.2793 of 2006

Petitioner	:	Ku. Rekha Singh Banswar, D/o. late B.R. Banswar, aged about 49 years, Occupation - service, Tahsildar Mungeli, R/o. Mungeli, Tahsil and District Bilaspur (Chhattisgarh)
	Versus	
Respondents	1.	State of Chhattisgarh, Through: The Secretary Department of Revenue D.K.S. Bhawan, Raipur, Distt. Raipur (C.G.)
	2.	Collector, Collectorate Bilaspur (Chhattisgarh)

(Writ Petition under Article 226/227 of the Constitution of India)

Single Bench: Hon'ble Justice Satish K. Agnihotri

Present : Shri Sanjay K. Agrawal, counsel for the petitioner.

ORDER
(Passed on 15th June, 2007)

1. The petitioner has impugned the transfer order dated 08.06.2006 (Annexure-P/5) wherein the petitioner has been transferred from Mungeli to Bilaspur. By the interim order dated 15.06.2006, the petitioner has continued in the service at the original place of posting till date.

2. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. The Court has limited jurisdiction to interfere with the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. In view of the fact that due to the interim order the petitioner has already served for about a year at the old place of

posting, it is not necessary to examine the validity of the transfer order at this stage.

3. In view of the forgoing, this petition stands disposed of as having become infructuous. However, in the facts of the case, it is expected that the State-respondents shall not insist upon compliance of the order dated 08.06.2006. The respondents are at liberty to pass appropriate orders in the public interest and administrative exigencies, if so required, to post the petitioner.

Sd/-
Satish K.Agnihotri
Judge